

March 23, 2012

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554


Re: *Ex Parte* Submission, WT Docket No. 11-69, ET Docket No. 09-234

Dear Ms. Dortch:

Alcatel-Lucent voices its absolute support for our customer, New Jersey Transit Corporation (NJT), and our partner, PowerTrunk, in the shared effort to meet the communications needs of NJT. Alcatel-Lucent is a long-standing, leading provider of mission-critical communications equipment and services. Alcatel-Lucent is dedicated to providing open-standards-based, robust equipment and services to its customers, as demonstrated in our work with NJT and PowerTrunk, as well as our ongoing efforts to promote the deployment of an interoperable nationwide 700 MHz public safety broadband network.

In February 2012, NJT selected Alcatel-Lucent's proposal to meet the communications needs of NJT using PowerTrunk's Digital Land Mobile Radio (D-LMR) solution in the 800 MHz band. From the moment NJT chose Alcatel-Lucent's proposal as best meeting NJT's needs with respect to functionality and price, Harris has explored every angle to block that decision. Harris's March 16, 2012 letter seeking Commission intervention is only its most recent collateral attack on NJT's choice of communications solution. The record shows, however, that Harris is wrong on the facts and the law.

As PowerTrunk demonstrated in its recent *ex parte* submission in this proceeding, the PowerTrunk equipment complies fully with the Commission's Part 90 rules, including those rules specifically applicable to the 800 MHz public safety sub-bands. PowerTrunk's currently authorized equipment – while *based* on TETRA technology and sometimes loosely referred to as “TETRA” – has been modified to conform to Part 90 rules. PowerTrunk's certified D-LMR equipment does not meet the definition of TETRA – neither as set forth under applicable international technical standards nor as discussed in Commission orders issued in the above-captioned proceedings considering equipment that *does* meet the TETRA specifications and, thus, requires rule modifications or waivers to operate in the United States. In short, the current Commission rulemaking proceeding, which is focused on whether to change the rules to allow TETRA deployment in the U.S., is irrelevant to currently authorized D-LMR operating in conformance with current Commission rules, including the PowerTrunk equipment.

..... Alcatel-Lucent 

Alcatel-Lucent urges the Commission to see the Harris letter for what it is: sour grapes in the wake of NJT choosing Alcatel-Lucent and PowerTrunk over Harris, an entrenched, legacy LMR provider. Harris's attempts to disallow a competing Part 90-compliant technology from the U.S. market is particularly disingenuous in light of the mix of available technologies already offered in the marketplace, including Harris's own, proprietary OpenSky LMR solution. There are many options available to achieve interoperability among various LMR systems, including those employing Project 25, PowerTrunk, or OpenSky technologies. Experience demonstrates that, for various reasons, even P25-based networks are not automatically interoperable with each other. There is simply no valid technical or policy reason for the Commission to single out and disallow PowerTrunk's D-LMR solution compared to the mix of other Part 90-compliant LMR technologies that are currently deployed.

For the foregoing reasons, and for the reasons described in this proceeding by PowerTrunk and NJT, the Commission should affirm that PowerTrunk's Part 90-compliant D-LMR continues to be certified for deployment in the United States and is available for use by NJT and other customers that choose to deploy that technology solution in the 800 MHz band.

Please contact the undersigned with any questions in connection with this submission.

Respectfully submitted,

/s/

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Vice President
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cc: Michael Wilhelm
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